

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

MINUTES OF A REGULAR MEETING
OF THE FACULTY SENATE HELD
ON OCTOBER 8, 1976, IN THE FACULTY
CONFERENCE ROOM, SIXTH FLOOR,
LISNER HALL

1 The meeting was called to order by Provost Bright at 2:11 p.m.

Present: Provost Bright, Parliamentarian Schwartz, Adams, Amling, Birnbaum, Cassidy, Cottrell, Davison, Fox, Ginsburg, Griffith, Jones, Kirsch, Kurtz, Kyriakopoulos, Liebowitz, Pierpont, Reesing, Schiff, Schmidt, Snodgrass, Stevenson, Tillman, Vaill, Vontress, and Wood.

Absent: President Elliott, Registrar Gebhardtshauer, C. Elliott, Ferster, Kramer, Linton, Morgan, Plotz, Rockoff, Sapin, Smith, and Solomon.

2 The Provost called for additions or corrections to the minutes of the regular meeting of the Faculty Senate on September 10, 1976. Professor Davison asked that the following corrections be made: (1) Page 2, last line, change the word "were" to "was"; (2) Page 3, second full paragraph, line 7, change the word "nor" to "or"; and (3) Page 4, first full paragraph, line 4, change "asterick" to "asterisk." The minutes were then approved as corrected.

3 Professor Stevenson, acting on behalf of Professor Morgan, who was absent because of illness, explained that Resolution 76/5 pertaining to grievance procedures for students alleging discrimination was placed on the agenda by the Executive Committee after consultation with the Committee on the Judicial System with respect to a request for advice from the Assistant Provost for Affirmative Action. He said that whether the Senate acted or not the University was required by law to have procedures through which students who believe they have been discriminated against could proceed. Professor Stevenson, on behalf of the Executive Committee, then moved adoption of Senate Resolution 76/5, "A Resolution Concerning Grievance Procedures for Students Alleging Discrimination," and the motion was seconded.

Professor Stevenson said he wished to call the Senate's attention to the fact that the original draft of the procedures contained a paragraph dealing with retaliation which said, in effect, that retaliation against students who brought an action through these grievance procedures would be in itself treated as discrimination, but that the Executive Committee found some problems with the language of that paragraph and decided to omit it. However, he said, Professor Ginsburg, Chairman of the Committee on the Judicial System, had alternative language to offer at this time as an amendment. Professor Ginsburg, on behalf of the Committee on the Judicial System, moved the following paragraph as a third paragraph under Section I. GENERAL of the Grievance Procedures:

It shall be a violation within the meaning of these regulations to discriminate against any student because he/she has opposed any discriminatory practice proscribed by these procedures, or because he/she has filed a grievance, testified, assisted, or participated in any manner in the procedures provided for herein.

The motion was seconded. Professor Ginsburg said that in drafting this proposed amendment he used language similar to that found in Title VII and various other civil rights legislation prohibiting any form of discrimination based on filing charges, giving testimony, assisting, or participating in any manner in the procedures provided. Professor Pierpont asked if the Committee on the Judicial System considered the objectivity clause inserted here as including all participants - not just students - and he suggested that, perhaps, it might be of some benefit to substitute the word "party" for the word "student." Professor Ginsburg said that he wanted to make it very clear in these procedures that anybody who participates on behalf of or against a student in terms of a grievance will be protected, and any action taken against that person by anyone would be deemed itself the same degree of discrimination as if it were a direct discrimination against that person on the basis of race, sex, color, religion, or national origin. Professor Ginsburg said that he would not be opposed to changing the word "student" to "party." Professor Stevenson said that it seemed to him that the only reason for inserting this paragraph was to reassure students that if they initiated a proceeding under these procedures they would not be subject to discrimination, and it didn't seem to him to be very meaningful to say that a faculty member could claim he has been discriminated against since these procedures do not provide any remedy for faculty members, which was a totally separate matter. He said that if a faculty member feels he has been discriminated against he ought to proceed under the provisions of the Faculty Code. Professor Stevenson said that he didn't think it made any substantive difference whether or not the word "student" was changed to "party" except as a matter of elegance in drafting. Professor Ginsburg replied that changing the word "student" to "party" would not give the faculty member a right to go through student grievance procedures, but that the faculty member would proceed through grievance procedures provided for him in the Faculty Code. Professor Vontress said that he would be opposed to changing the words because of the title of the procedures and because the steps in the procedures would not apply to anyone other than students, and, further, he didn't know whether HEW guidelines would even suggest that this ought to be done. Professor Ginsburg said he would like to offer a compromise: retain the word "student" in this paragraph, but have the minutes reflect that the Senate regards any form of action being taken against anyone - faculty or staff - to be in all violation of University policy. No objection was heard to the compromise. Professor Stevenson said he would accept the original amendment moved by Professor Ginsburg, and seconded, as a "friendly" amendment.

After further debate and discussion, the Senate adopted the following additional amendments to the Grievance Procedures for Students Alleging Discrimination:

Under Section II. GRIEVANCE PROCEDURES, Paragraph E. 1., change the words "one student" to "two students" so that the sentence reads:

"1. Grievance Review Committees for academic matters will consist of two faculty members and two students."

Under Section II. GRIEVANCE PROCEDURES, Paragraph E. 3., change the word "ten" to "fifteen" so that the sentence reads:

"3. Committee members will be selected from among a panel of fifteen faculty members selected by the Faculty Senate, fifteen students selected by The George Washington University Student Association, and five administrators selected by the Vice President for Administration."

Under Section I. GENERAL, Paragraph A. Eligibility, enclose the last sentence of that paragraph in parentheses as follows:

"(For grievance procedures to resolve charges of discrimination in employment, employees should consult the Faculty Code or the Manual of Personnel Directives, as appropriate.)"

Under Section II. GRIEVANCE PROCEDURES, add new paragraph as Paragraph G., as follows:

"G. The effectiveness and fairness of these procedures shall be reviewed by an appropriate committee of the Faculty Senate four years after becoming the official policy of the University with any recommended revisions to be brought before the Faculty Senate."

Under Section II. GRIEVANCE PROCEDURES, Paragraph E. 5, add the following new sentence at the end of Paragraph E. 5:

"However, to the extent that the decision involves the changing of an academic evaluation, the decision cannot be implemented without the consent of the cognizant faculty member(s) unless approved by the Dean's Council."

Under Section I. GENERAL, first paragraph, third line, insert the word "age" before the word "sex" so that the line reads:

"against on the basis of age, sex, race, color, religion, or national origin in any". . . .

Under Section I. GENERAL, Paragraph B. Coverage, first sentence, insert the word "age" before the word "sex" so that the line reads:

"A student may charge discrimination on the basis of age, sex, race, color". . . .

Under Section II. GRIEVANCE PROCEDURES, Paragraph A., first sentence, substitute the word "believe" for the word "feel" so that the same reads:

"A. Students who believe they have been subject to discrimination must first seek". . . .

Upon completion of the above actions, the question was called, and Resolution 76/5, as amended, was adopted.*

4

On behalf of the Executive Committee, Professor Stevenson moved the nomination for membership on the following committees as presented on the agenda:

- (a) Nomination for election of Christopher W. Sten, Assistant Professor of English, to the Educational Policy Committee;
- (b) Nomination for appointment by the President of Salvatore F. Divita, Associate Professor of Business Administration, to the Marvin Center Governing Board.

* A transcript of the complete debate and discussion on Resolution 76/5 is on file in the Faculty Senate Office.

There were no other nominations and the nominees were elected unanimously.

- 5 Under Brief Statements Professor Stevenson said that he had two very brief remarks to make - the first was to call attention to the memorandum dated October 7, 1976, distributed at the meeting to the Faculty Senate from William D. Johnson, Director of Planning and Budgeting, reporting on the status of the Library budget. This report, he said, would be distributed with the minutes of this meeting in accordance with the President's request. Secondly, Professor Stevenson said that he would like to clarify briefly the memorandum distributed prior to the meeting from the Committee for the Campus. He explained that there was a law suit involving the destruction of one of the buildings on "I" Street which was not owned by the University and in which dispute the University was not involved, but that it was part of the neighborhood and some of the students felt that that particular building should be preserved. He said the status of the law suit was described in the memorandum and the students had asked him to announce that any donations faculty members might wish to make to the fund to raise the sufficient bond to continue litigation would be appreciated.

Professor Kirsch said that in keeping with the University policy on open information he would like to have included in the minutes the following portion of information received from the Director of the Budget pertaining to the 1977-78 Operating Budget - General Information for Preparation:

ALLOCATIONS - 1977-78

1. Funds have been provided in each school, college or other operating division for increasing full-time faculty salaries, non-academic salaries and permanent wages by 6.5%.
 - a. Full-time faculty - salary increases are to be distributed at the discretion of the dean and/or departmental chairman.
 - b. Non-academic salaries and permanent wages - salary increases for non-academic employees will be based on each individual's annual performance evaluation within percentage ranges as follows:

| | | |
|----------------------------|---|----------|
| Does not meet requirements | - | 0 |
| Meets requirements | - | 1 - 5% |
| Exceeds requirements | - | 5.1 - 9% |
- No change in current non-academic salary scales will be made for 1977-78.

* * *

- d. Part-time faculty - The salary scale for part-time instructors will not change. . . .

Professor Fox asked if the University would be providing swine flu vaccine. Professor Pierpont said that, as far as he knew at the present time, the vaccine was available only to hospital personnel who were subject to greater risks of public-type cross infections. Provost Bright said that he would try to find out the answer to Professor Fox's question but that the availability of the vaccine has been a very confused situation. Professor Fox asked that if the vaccine did become more readily available, would the University make provisions for dispensing it, and Provost Bright

replied that he didn't think there was any question about the University being willing to dispense it, but that the question was whether or not the University could do so.

6 There being no further business, the Provost, upon motion made and seconded, adjourned the meeting at 4:03 p.m.

A handwritten signature in cursive script, reading "Robert Gebhardtshauer". The signature is written in dark ink and is positioned above the printed name and title.

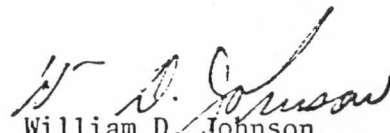
Robert Gebhardtshauer
Secretary

THE GEORGE WASHINGTON UNIVERSITY
INTERDEPARTMENTAL MEMORANDUM

October 7, 1976

Memorandum to the Faculty Senate

The attached schedules relating to library expenses are forwarded for distribution to members of the Senate on October 8, 1976 at the request of President Elliott. He has asked that they be included with the distribution of the minutes of the meeting.


William D. Johnson
Director of Planning
and Budgeting

cc: President Elliott

The George Washington University Libraries

Schedule I

Expenditures Reported to U.S. Office of Education

1973-74 through 1975-76

| <u>Fiscal Year</u> | <u>Library Expenses (Note 1)</u> | <u>Educational & General Expenditures (Note 2)</u> | <u>% of Library to Educational & General</u> |
|--------------------|--|--|--|
| 1973-74 | 1,745,252 | 60,140,966 | 2.90 |
| 1974-75 | 1,879,280 | 65,710,244 | 2.86 |
| 1975-76 (Note 3) | 2,130,495 | 75,631,453 | 2.82 |

Notes:

1. Library Expenses include the General, Law and Medical Library. They do not include debt service or maintenance and operation expenses directly attributed to the library buildings. These expenses in 1975-76 total approximately \$600,000.
2. In 1974-75 and 1975-76 Educational and General Expenditures by USOE definition include Student Financial Aid and mandatory transfers. These expenses totalling \$1,842,000 and \$2,029,000 respectively are not included in E & G expenditures reported above. Changes of this magnitude in reporting requirements (over which the institution has no control) are clear evidence that the use of a simplistic formula is not good academic or financial management.
3. The USOE report for 1975-76 has not been completed and submitted. The expenditures for 1975-76 reported above are from a preliminary draft and are subject to adjustment before the final report is submitted. It is reasonable to assume that such adjustments, if any required, will be minor.

The George Washington University
Operating Expense Budgets
(Excluding the Medical Center)
As Approved by the Board of Trustees
1973-74 through 1976-77

Schedule II

% Increase
1976-77
over 1973-7

| | 1973-74 | % | 1974-75 | % | 1975-76 | % | 1976-77 | % | |
|-----------------------------|-------------------|-------|-------------------|-------|-------------------|-------|-------------------|-------|-------|
| Administration & General | 4,800,180 | 13.33 | 5,181,998 | 13.60 | 5,779,486 | 13.99 | 6,306,336 | 14.06 | 31.38 |
| Instruction | 17,042,500 | 47.31 | 18,032,783 | 47.34 | 19,838,634 | 48.03 | 21,620,737 | 48.19 | 26.86 |
| Libraries* (including Law) | 1,291,888 | 3.59 | 1,379,286 | 3.62 | 1,524,993 | 3.69 | 1,732,909 | 3.86 | 34.14 |
| Physical Plant | 3,872,000 | 10.75 | 4,476,781 | 11.75 | 5,072,000 | 12.28 | 5,345,586 | 11.92 | 41.34 |
| Student Activities | 512,733 | 1.42 | 524,775 | 1.38 | 589,000 | 1.43 | 858,209 | 1.91 | 67.38 |
| Sponsored Research | <u>8,500,000</u> | 23.60 | <u>8,500,000</u> | 22.31 | <u>8,500,000</u> | 20.58 | <u>9,000,000</u> | 20.06 | 5.88 |
| Total Educational & General | <u>36,019,301</u> | | <u>38,095,623</u> | | <u>41,304,113</u> | | <u>44,863,777</u> | | |

* Library Expenses do not include approximately \$600,000 in debt service and maintenance and operation expense.

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

The Faculty Senate

September 29, 1976

The Faculty Senate will meet on Friday, October 8, 1976, at 2:10 p.m., in the Faculty Conference Room, Sixth Floor, Lisner Hall.

AGENDA

1. Call to order
2. Minutes of the regular meeting of September 10, 1976
3. Resolutions:

A RESOLUTION CONCERNING GRIEVANCE PROCEDURES FOR STUDENTS ALLEGING DISCRIMINATION (76/5), presented by the Executive Committee of the Faculty Senate after consultation with the Committee on the Judicial System with respect to a request for advice from the Assistant Provost for Affirmative Action (resolution with accompanying procedures attached)

4. General Business:

- (a) Nomination for election of Christopher W. Sten, Assistant Professor of English, to the Educational Policy Committee
- (b) Nomination for appointment by the President of Salvatore F. Divita, Associate Professor of Business Administration, to the Marvin Center Governing Board

5. Brief Statements

6. Adjournment



Robert Gebhardtsbauer
Secretary

**A RESOLUTION CONCERNING GRIEVANCE PROCEDURES FOR STUDENTS
ALLEGING DISCRIMINATION (76/5)**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

**That the Faculty Senate recommends the adoption
of the accompanying Grievance Procedures for
Students Alleging Discrimination submitted
and recommended by the Assistant Provost for
Affirmative Action, the Committee on the Judicial
System, and the Executive Committee of the
Faculty Senate.**

**September 24, 1976
Assistant Provost for Affirmative Action
Committee on the Judicial System
Executive Committee of the Faculty Senate**

GRIEVANCE PROCEDURES FOR STUDENTS ALLEGING DISCRIMINATION

I. GENERAL

These grievance procedures are promulgated to provide a channel for resolution of the grievances of students who feel they have been discriminated against on the basis of sex, race, color, religion, or national origin in any of the policies, procedures, programs, or activities of or by any individual employed by or acting in an official capacity for The George Washington University.

The procedures are intended to encourage resolution of the student's grievance informally and at the earliest possible stage. At the same time, where such resolution is not possible, these procedures provide for a more formal review of the situation by individuals not party to the case, and a final decision based upon that review by the appropriate Dean or Vice President. The Assistant Provost for Affirmative Action is available for consultation at any stage of these procedures.

A. Eligibility

Any full-time or part-time student who believes that he or she has been discriminated against on any of the bases cited above may initiate these procedures. Employees, both full-time and part-time, who are also students may use these procedures for matters relating to their student status only. For grievance procedures to resolve charges of discrimination in employment, employees should consult the Faculty Code or the Manual of Personnel Directives, as appropriate.

B. Coverage

A student may charge discrimination on the basis of sex, race, color, religion, or national origin in the policies, procedures, programs, or activities of or by any individual employed by and acting in an official capacity for The George Washington University.

II. GRIEVANCE PROCEDURES

A. Students who feel they have been subject to discrimination must first seek to clarify or resolve the question through direct contact with the faculty member or administrator whose action gave rise to the matter.

B. If the student is unable to clarify or resolve the matter, the student must confer with and submit a written statement of the charge to the Assistant Provost for Affirmative Action.

C. The Assistant Provost for Affirmative Action shall refer the charge to the appropriate academic or administrative department chairman. Within five class days after receipt of the charge, the department chairman shall seek to mediate the charge and thereby effect an informal resolution of the matter. Failing informal resolution, after consultation with both parties, the department chairman shall make a decision concerning the charge which shall be conveyed in writing to both parties by registered mail and to the Assistant Provost for Affirmative Action.

If the individual whose action gave rise to the matter is an academic department chairman, Dean, an administrator, or a faculty member reporting directly to a Dean or Vice President, the Assistant Provost for Affirmative Action shall refer the matter directly to the appropriate Dean or Vice President, who shall designate another academic department chairman, Dean, administrator, or faculty member under his supervision to perform the functions required by this subsection. The person selected by the Dean or Vice President must be at least equal in position and rank to the person against whom the grievance has been filed.

D. Either party to the case may request a review of the decision rendered under Subsection C by writing to the Assistant Provost for Affirmative Action within five class days of receipt of the department chairman's decision.

E. The Assistant Provost for Affirmative Action shall send a copy of the request for review to the appropriate Dean or Vice President, and shall, within ten class days, convene a Grievance Review Committee, which shall advise the Dean or Vice President. Selections will be made in consultation with the Dean or Vice President.

1. Grievance Review Committees for academic matters will consist of two faculty members and one student.

2. Grievance Review Committees for administrative matters will consist of one faculty member, one administrator, and one student.

3. Committee members will be selected from among a panel of fifteen faculty members selected by the Faculty Senate, ten students selected by The George Washington University Student Association, and five administrators selected by the Vice President for Administration. Appointments to the panel shall be made for one year from July 1 to June 30. Appointments are renewable. The Assistant Provost for Affirmative Action, in consultation with the Dean or Vice President, will select the Committee members for each review and will appoint one of the members to serve as Chairperson. Notice of the composition of the Committee will be provided to both parties. Either party to the hearing may challenge the membership of the committee by advising the Assistant Provost for Affirmative Action in writing received no later than five class days prior to the hearing. Upon the request of the Chairperson, the Assistant Provost for Affirmative Action shall serve as adviser to the Review Committee.

4. The Grievance Review Committee shall hear the grievance together with such witnesses as it deems germane to the grievance or as may be called by either party. Each party shall be entitled to question all witnesses appearing at the hearing and to present written statements or other evidence. Either party may be accompanied at the hearing by one person whom he/she has selected.

The proceedings shall in all respects be under the control of the Chairperson and shall not be subject to formal rules of evidence or procedure. At the discretion of the Committee, the proceedings may be closed or may be open to members of the University community. The proceedings shall be recorded and the recording preserved for three years along with any written statements of evidence presented. A copy of the recording will be made available to the grievant upon request. Costs incurred in producing the copy shall be the responsibility of the grievant.

The Grievance Review Committee shall convey its advice on the resolution of the grievance to the appropriate Dean or Vice President and to the Assistant Provost for Affirmative Action within five class days of the conclusion of the hearing.

5. The Dean or Vice President shall make a decision after considering the advice of the Grievance Review Committee. The decision made by the Dean or Vice President shall be final with the exception outlined in Subsection F.

F. Either party may request the President to review whether or not the procedures used to resolve the grievance have been fair. Requests for review together with a statement of the grounds upon which the review is requested shall be submitted to the President in writing within five class days of receipt of the Dean's or Vice President's decision. A copy of the request shall be sent to the Assistant Provost for Affirmative Action. Where the President finds the procedures may have been unfair, he may request the Dean or Vice President to conduct a further hearing of the case or take any other action he deems desirable to remedy any deficiencies in the procedures.

Office of the Assistant Provost for Affirmative Action
August 24, 1976

The Committee on the President's Commission (hereinafter referred to as the Commission) was organized on the 15th day of January, 1964, by the President of the United States, Lyndon B. Johnson, to investigate the circumstances surrounding the assassination of President John F. Kennedy.

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Office of the President of the United States
January 24, 1964